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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/769,344
Inventor(s) : Mark William Hamersky et al.
Filed : January 30, 2004
Art Unit : 1713
Examiner : Peter D. Mulcahy
Docket No. : 9005MR
Confirmation No. : 8322
Customer No. : 27752
Title : Thermoplastic Elastomer Compositions Containing A
Phase Change Solvent And Selected Processing Oils

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, The Procter & Gamble Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Numbers 10/429,432, filed on May 5, 2003 and 10/936,938, filed September 9, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of any patent granted on the said pending application, as the term of any patent granted on said application may be

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Appl. No. 10/769,344
Atty. Docket No. 9005MR
Response dated 02/16/2006
Reply to Office Action of 11/16/2005
Customer No. 27752

shortened by any terminal disclaimer filed prior to the grant of any patent on the pending application, in the event that any such patent granted on the pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney or agent of record.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) of \$110.00 for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By 

Signature

Julie A. McConihay

Typed or Printed Name

Registration No. 55,439

(513) 634-9076

February 16, 2006
Customer No. 27752